

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the following label statements were false and misleading as applied to the article, which contained holes: (Display carton) "Prophylactics \* \* \* Electronically Tested \* \* \* For Your Protection," (3-unit package) "Prophylactics \* \* \* Electronically Tested \* \* \* For Your Protection," (unit package) "Prophylactic," and (on article) "For Prevention Of Disease."

DISPOSITION: January 11, 1951. Default decree of condemnation and destruction.

**3333. Adulteration and misbranding of clinical thermometers. U. S. v. 26 Dozen \* \* \*. (F. D. C. No. 30146. Sample No. 58941-K.)**

**LIBEL FILED:** November 24, 1950, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 3, 1950, by the Hygrade Thermometer Co., from Brooklyn, N. Y.

**PRODUCT:** 26 dozen *clinical thermometers* at Chicago, Ill. Examination of 24 thermometers in accordance with specifications in C. S. 1-32 showed that 2 failed to meet the test for retreating index, 1 failed to meet the hard shaker test and entrapped gas test, and 10 had engraved markings wider than the intervening spaces.

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported or was represented to possess.

Misbranding, Section 502 (a), the label statement "All Our Thermometers Are Manufactured In Accord With Their Specifications. (C. S. 1-32 Department of Commerce)" was false and misleading as applied to an article which failed to comply with the specifications stated.

DISPOSITION: January 9, 1951. Default decree of condemnation and destruction.

### DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

#### DRUGS FOR HUMAN USE\*

**3334. Misbranding of Guardian Se-Bex tablets. U. S. v. Vitamin Stores, Inc. Plea of nolo contendere. Fine of \$125, plus costs. (F. D. C. No. 28157. Sample No. 20069-K.)**

**INFORMATION FILED:** May 15, 1950, District of Nebraska, against Vitamin Stores, Inc., Omaha, Nebr.

**INTERSTATE SHIPMENT:** On or about August 26, 1948, from the State of Illinois into the State of Nebraska.

**ALLEGED VIOLATION:** Between June 29 and July 13, 1949, while the *Guardian Se-Bex tablets* were being held for sale after shipment in interstate commerce, the defendant caused a placard to accompany the tablets, which act resulted in the tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the placard were false and misleading since they represented and suggested that the tablets would be effective in the cure, mitigation, and treatment of hay fever, whereas the tablets would not be effective for such purposes.

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\*See also Nos. 3321, 3329, 3331-3333.